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NOTES OF CASES.

FOREIGN JUDGMENT—EFFECT ON PENDING ACTION.—A judgment recovered in another State pending an action is held, in *Swedish American Nat. Bank v. Dickinson Co.* (N. D.), 49 L. R. A. 285, not to present a fact which can be set up by supplemental complaint, because the rendition thereof constitutes a bar to the further prosecution of the action.

REMOVAL TO FEDERAL COURT—PROBATE OF WILL.—The probate of a will is held, in *Wahl v. Franz* (C. C. App. 8th C.), 49 L. R. A. 62, not to be "a suit of a civil nature at common law or in equity," within the meaning of the act of Congress providing for the removal of causes to a Federal court, either from a probate court or on an appeal therefrom, for trial *de novo*.

DEATH BY WRONGFUL ACT—EVIDENCE—ADMISSIONS OF DECEDEDENT.—An admission of contributory negligence made by an injured person who subsequently dies from his injuries is held, in *Georgia R. & B. Co. v. Fitzgerald* (Ga.), 49 L. R. A. 175, to be admissible in evidence for the defendant on the trial of an action brought by the widow of the deceased for damages on account of his death.

SUICIDE—EVIDENCE—PRESUMPTION.—The presumption against suicide is held, in *Standard Life & Acc. Ins. Co. v. Thornton* (C. C. App. 6th C.), 49 L. R. A. 116, to be decisive of the case until overcome by testimony, where a passenger on a sleeping car disappeared from it in the night, and the next morning was found dead upon the track between the rails, with his overcoat on, under circumstances which excluded every hypothesis except suicide or accident.

CONSTITUTIONAL LAW—PROHIBITION OF USE OF UNITED STATES FLAG FOR ADVERTISING PURPOSES.—A State statute forbidding the use of the national flag for advertising purposes is held, in *Ruhstrat v. People* (Ill.), 49 L. R. A. 181, to be an unconstitutional interference with the privileges and immunities of citizens of the United States, and beyond the range of the police power of the State; while a discrimination by permitting the use of the flag for public or private exhibitions of art is also held invalid.

COMMON CARRIERS—PASSENGERS—EJECTION FOR FAILURE TO PAY CHILD'S FARE.—A parent entering a railroad train with a child *non sui juris*, but old enough to be required to pay fare, is held, in *Braun v. Northern Pac. R. Co.* (Minn.), 49 L. R. A. 319, to be under an implied contract to pay the child's fare, and, on refusal to do so, liable to be expelled from the train with the child, even though the parent offers to pay his own fare, or on refunding it to him if he has paid it. See 5 Va. Law Reg. 870.